

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHANDAR A. SNOW,

Plaintiff,

v.

Case No. 92-81212

UNITED STATES OF AMERICA,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFF'S APPLICATION
TO PROCEED *IN FORMA PAUPERIS***

On March 27, 2009, Plaintiff filed notice of appeal and an application to proceed *in forma pauperis*. Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district court action who desires to appeal *in forma pauperis* must file a motion in the district court. Under 28 U.S.C. § 1915 (a)(1), a plaintiff must "submit[] an affidavit that includes a statement of all assets such [plaintiff] possesses that the [plaintiff] is unable to pay such fees", and further stipulates that "such affidavit shall state the nature of the . . . appeal."

Here, Plaintiff's application does not allege that he cannot pay the fees associated with the pending appeal. Further, Plaintiff attaches an "Annexed Inmate Fund." (Pl.'s App., Ex. A.) This "transaction" list is not the kind of detailed account statement "prescribed by Form 4 of the Appendix of Forms," proving Plaintiff's "inability to pay." Fed. R. App. P. 24 (a)(1)(A). Rather, it is a list of commissary transactions made during the six months prior to his filing of the notice to appeal. It is apparent that further, unlisted transactions took place during this time period. For example, on

October 16, 2008, Petitioner had a balance of \$0.26, but on October 29, 2008, the next recorded transaction, Petitioner had a balance of \$28.26. Thus, Plaintiff had other deposits and/or withdrawals during this time period which, because they remain unlisted, make it impossible for the court to determine Plaintiff's actual account balance and ability to pay. Finally, Plaintiff's application does not "state[] the issues that the [Petitioner] intends to present on appeal," as required by Fed. R. App. P. 24 (a)(1)(C).

Accordingly, IT IS ORDERED that Petitioner's application to proceed *in forma pauperis* [Dkt. # 114] is DENIED.

s/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: May 26, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 26, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner

Case Manager and Deputy Clerk

(313) 234-5522